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OFFICE OF PETITIONS

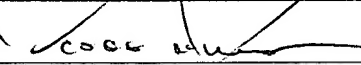
PTO/SB/21 (08-00)

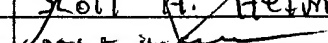
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/934,411	
	Filing Date	August 21, 2001	
	First Named Inventor	Scott A. Heimermann	
	Group Art Unit	(not yet assigned)	
	Examiner Name	(not yet assigned)	
Total Number of Pages in This Submission	22	Attorney Docket Number	-----

ENCLOSURES <i>(check all that apply)</i>		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> 1. Request By Joint Inventors, Scott A. Heimermann and Stephen Danforth for Reconsideration Of "Decision Refusing Status Under §1.47(A)"; 2. Affidavit Of Joint Inventor Scott A. Heimermann In Response To "Decision Refusing Status Under §1.47(A)"; 3. Affidavit of Joint Inventor, Stephen Danforth In Response To "Decision Refusing Status Under §1.47(A)"
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Scott A. Heimermann
Signature	
Date	November 24, 2003

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 11/24/03	
Typed or printed name	SCOTT A. HEIMERMANN
Signature	
Date	11/24/03

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

In the
Office of Petitions
Commissioner for Patents
United States Patent and Trademark Office
United States Department of Commerce

45
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In re Application of	:	
Scott Heimermann and	:	
Stephen Danforth	:	
Application No. 09/934,411	:	
Filed: August 21, 2001	:	REQUEST BY
Title: FULLY AUTOMATED,	:	JOINT INVENTORS,
REQUISITION-DRIVEN, COMPETING	:	SCOTT A. HEIMERMAN
AUTHORIZED SUPPLIERS, WEB	:	AND
SITE-BASED, REAL TIME,	:	STEPHEN DANFORTH
REVERSE-AUCTION, CENTRALIZED	:	FOR
E-PROCUREMENT SYSTEM FOR	:	RECONSIDERATION OF
GOVERNMENT, WITH BIFURCATED	:	"DECISION REFUSING
INTERNAL AND EXTERNAL MODULES,	:	STATUS UNDER §1.47(A)"
REQUISITION-POOLING, ORDER	:	
FORMULATION AND MANAGEMENT,	:	
CONSOLIDATED IN-BOUND SHIPMENT AND	:	
DISTRIBUTED J.I.T. DELIVERY,	:	
PROCUREMENT-NEEDS PREDICTION,	:	
CENTRALIZED CATALOG MANAGEMENT AND	:	
NUMEROUS ADDITIONAL FEATURES	:	

Based upon the accompanying Affidavits of each of the above-named Joint Inventors, we, said undersigned Joint Inventors in the above patent application request reconsideration and withdrawal of the "Decision Refusing Status Under §1.47(a)", and in addition, request the following actions by the Office of Petitions:

1. That the following factual determinations/findings of fact be made, based upon the application documents as filed herein, and the aforesaid affidavits accompanying this Request:

A. Joint Inventor Scott A. Heimermann was presented with the application papers (specification, claims, drawings, and declaration) on or about August 20, 2001, while said patent application was being prepared for filing.

B. Upon being thus presented with the application papers, and just before its filing, on August 20, 2001, Joint Inventor Scott A. Heimermann signed the patent application documents at each of the following places:

- (i) Page 2 of the Declaration for Utility or Design Patent Application;
- (ii) The last page of the "Specification of Invention" section of said application (sequentially, Page 57, albeit not bearing page number);
- (iii) Utility Patent Application Transmittal; and
- (iv) Fee transmittal for FY 2001.

Each signature of Scott A. Heimermann appearing at each of the aforesaid locations was in fact signed personally by Scott A. Heimermann. Ms. Joan Heimermann (Joint Inventor Scott A. Heimermann's mother) did not sign any application document, either in her own name, or that of Scott A. Heimermann. The "Petition Of Joint Inventor, Stephen Danforth, To File Application On Behalf Of Joint Inventor, Scott A. Heimermann" does not assert that Joan Heimermann actually signed any such document.

(C) Joint Inventor Stephen Danforth also signed the patent application documents in each of the following places:

- (i) Page 2 of the Declaration for Utility or Design Patent Application;

- (ii) The last page of the "Specification of Invention" section of said application (sequentially, Page 57, albeit not bearing page number);
- (iii) The enclosure letter dated August 16, 2001 addressed to the Commissioner for Patents; and
- (iv) Amendment A to the application for patent.

D. Because Joint Inventor Scott A. Heimermann and Joint Inventor Stephen Danforth both signed the Declaration for Utility or Design Patent Application, as filed, the patent application did in fact contain a properly executed oath or declaration.

E. The "Petition Of Joint Inventor, Stephen Danforth, To File Application On Behalf Of Joint Inventor, Scott A. Heimermann" is unnecessary, in light of the foregoing, as confirmed by the omission of mention of said Petition in said enclosure letter to the Commissioner for Patents and in the return receipt postcard (Exhibits A and B, respectively, to the Affidavit of Joint Inventor Stephen Danforth), and by omission of any petition fee in the application mailing to the Commissioner, and by the Joint Inventors' respective affidavits. Said Petition was mailed to the Commissioner for Patents unintentionally and through inadvertence in the same envelope with the patent application documents.

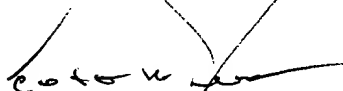
2. That, based on the foregoing findings/determinations of fact, the following legal conclusions be derived:

A. The patent application, as filed, but irrespective of the inadvertently submitted Petition, as above, is validly signed by both Joint Inventors, and hence is legally effective, within the requirement of 35 *U.S.C.* §115, and hence is entitled to due examination upon its merits, irrespective of said inadvertently submitted Petition;

B. The aforesaid Petition Of Joint Inventor, Stephen Danforth, To File Application On Behalf Of Joint Inventor, Scott A. Heimermann, having been only inadvertently submitted, and being legally unnecessary to the legal effectiveness of the patent application as filed, is mere surplusage, and is disregarded and dismissed; and


C. The Decision Refusing Status Under §1.47(a) is rescinded and vacated as factually incorrect and as moot.

Date of Signature: November 24, 2003.



Scott A Heimermann
Joint Inventor

Date of Signature: November 15, 2003.



Stephen Danforth
Joint Inventor

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Commissioner for Patents
United States Patent and Trademark Office
United States Department of Commerce

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In re Application of	:	
Scott Heimermann and	:	
Stephen Danforth	:	
Application No. 09/934,411	:	
Filed: August 21, 2001	:	
Title: FULLY AUTOMATED,	:	AFFIDAVIT OF
REQUISITION-DRIVEN, COMPETING	:	JOINT INVENTOR
AUTHORIZED SUPPLIERS, WEB	:	SCOTT A. HEIMERMANN
SITE-BASED, REAL-TIME,	:	IN RESPONSE TO
REVERSE-AUCTION, CENTRALIZED	:	"DECISION REFUSING
E-PROCUREMENT SYSTEM FOR	:	STATUS UNDER §1.47(a)"
GOVERNMENT, WITH BIFURCATED	:	
INTERNAL AND EXTERNAL MODULES,	:	
REQUISITION-POOLING, ORDER	:	
FORMULATION AND MANAGEMENT,	:	
CONSOLIDATED IN-BOUND SHIPMENT AND	:	
DISTRIBUTED J.I.T. DELIVERY,	:	
PROCUREMENT-NEEDS PREDICTION,	:	
CENTRALIZED CATALOG MANAGEMENT AND	:	
NUMEROUS ADDITIONAL FEATURES	:	

State of Wisconsin)
) ss.
County of Dodge)

SCOTT A. HEIMERMANN, being first duly sworn, on oath deposes and says the following:

1. I, Scott A. Heimermann, am Joint Inventor with Stephen Danforth as to the above application for patent. I am filing this affidavit to respond to the “Decision Refusing Status Under §1.47(a)” by Petitions Attorney Cliff Congo of the Office of Petitions.

2. That “Decision....” is factually incorrect. The following corrections are true:

A. I was “presented with the application papers (specification, claims, drawings, oath or declaration)” at the time of preparation of this patent application for filing, on or about August 20, 2001.

B. I signed this patent application on August 20, 2001, just before it was filed, in each of the following places, and the signatures thereon are mine.

(i) Page 2 of the Declaration for Utility or Design Patent Application (attached hereto as “Attachment 1”);

(ii) The last page of the “Specification of Invention” section (Page 57, inadvertently not bearing page number) (attached hereto as “Attachment 2”);

(iii) Utility Patent Application Transmittal (attached hereto as “Attachment 3”); and

(iv) Fee Transmittal for FY 2001 (attached hereto as “Attachment 4”);

C. Ms. Joan Heimermann is my mother. She did not sign, either in her own name or in my name, any patent application document filed with the Commissioner for Patents in connection with this patent application. The inadvertently filed “Petition Of Joint Inventor, Stephen Danforth, To File Application On Behalf Of Joint Inventor, Scott A. Heimermann” (see below) does not actually assert that Joan Heimermann signed any such document. Instead, that “Petition....”, at Page 2, only reports a direction by me for

such signature by Joan Heimermann, acting under Power of Attorney for myself. Because I learned after that direction that such Power of Attorney signature is not valid on patent application documents, and because I was able to sign the application documents specified above for myself before they were filed, that direction was never implemented.

D. When I received the patent application documents on or about August 20, 2001 (just prior to their filing), they had already been duly signed by my Joint Inventor, Stephen Danforth, and I recognized the signatures thereon in his name as being his signatures. Because both Stephen Danforth and I signed the Declaration for Utility or Design Patent Application, as filed, that application did in fact contain "a properly executed oath or declaration."

3. The "Petition Of Joint Inventor, Stephen Danforth, To File Application On Behalf Of Joint Inventor, Scott A. Heimermann" was prepared and executed by Stephen Danforth only to be filed in the event that I were not able to sign the above application documents. However, in fact I signed those documents on August 20, 2001. I then delivered said documents to my mother, Joan Heimermann, for immediate copying and filing of the patent application. In doing so, I told Joan Heimermann:

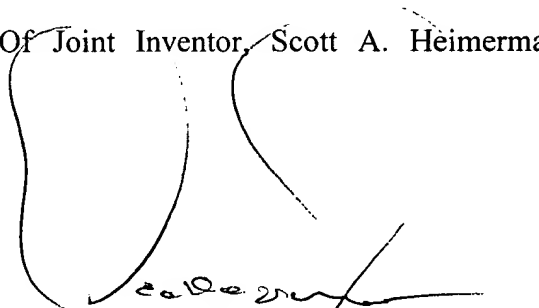
(a) to remove said "Petition...." from the application documents to be sent to the Commissioner for Patents;

(b) to choose from alternative cover letters to the Commissioner for Patents and from alternative receipt postcards (both as prepared in advance by Stephen Danforth) the correct option that would reflect signature by me, and that would omit reference to said "Petition...."; and

(c) to omit sending any incremental fee for said "Petition...." with the application mailing.

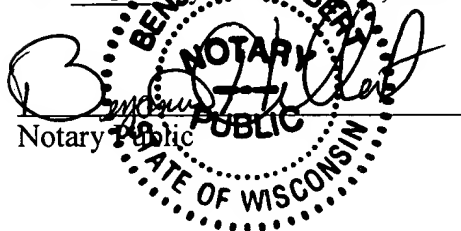
4. Shortly after the patent application was mailed to the Commissioner for Patents, I received from Joan Heimermann a set of copies of the documents comprising that application as thus filed. I noted the incorrect inclusion therein of that "Petition....", but I also noted that the aforesaid cover letter and receipt postcard as filed were the correct versions, not mentioning that "Petition....", and I noted that the fee transmitted together with the patent application did not include any petition fee. Because of this, in addition to the presence of my actual signature on the application documents enumerated above, I concluded that the "Petition...." would correctly be disregarded by the Commissioner for Patents.

5. Because I did sign the aforesaid application documents, I ask that the patent application be deemed to be effective, and that examination thereof be allowed to proceed on its merits, and more specifically, that the inadvertently filed "Petition Of Joint Inventor, Stephen Danforth, To File Application On Behalf Of Joint Inventor, Scott A. Heimermann" be disregarded and dismissed as unnecessary.



Scott A. Heimermann
Joint Inventor

Subscribed and sworn to before me
this 8 day of November, 2003.


Notary Public

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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DECLARATION — Utility or Design Patent ApplicationDirect all correspondence to: ☐ Customer Number OR ☐ Correspondence address belowName Scott A. Heimermann, c/o Joan HeimermannAddress West 3124 Hickory Hills RoadCity ChiltonState WIZIP 53014-9767Country U.S.A.Telephone (920) 849-2006Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR: ☐ A petition has been filed for this unsigned inventorGiven Name
(first and middle [if any]) Scott AllenFamily Name
or Surname HeimermannInventor's
Signature Scott A. HeimermannDate August 20, 2001Residence: City PortageState WICountry U.S.A.United States
Citizenship citizenMailing Address c/o Joan Heimermann, West 3124 Hickory Hills RoadCity ChiltonState WIZIP 53014Country U.S.A.NAME OF SECOND INVENTOR: ☐ A petition has been filed for this unsigned inventorGiven Name
(first and middle [if any]) Stephen (no middle name)Family Name
or Surname DanforthInventor's
Signature Stephen DanforthDate August 14, 2001Residence: City BayportState MNCountry U.S.A.United States
Citizenship citizenMailing Address 970 Pickett Street, North - 147636City BayportState MNZIP 55003-1490Country U.S.A.☐ Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

Attachment 2

- By its innovative approach to supplier approval, debarment and grant of preferences among suppliers, the System brings full automation and streamlined handling of supplier authorization and preference into the 21st Century.

Although the foregoing original, detailed description, and the additional descriptions of the construction, structure, and operation of the System contain many specificities, the same should not be construed as limiting the scope of the Invention, but rather, as merely providing illustration of one embodiment of this Invention. Other variants and configurations are possible.

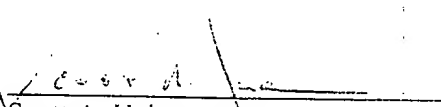
For example, it is possible that any consortium participants connect to the System only indirectly, *via* communication through a portion of the government/entity's general computing network (Fig. 1) (6). Another embodiment exists, placing the entire System within some portion of the government/entity's general computing network, e.g., in the treasury portion thereof. Another structural configuration would involve using only a single security administration element for both internal and external modules. Requisitioner Nodes (Fig. 3) (21) and Requisition Unit Head Official Nodes (Fig. 4) (41) could alternatively be connected in a WAN (wide area network), instead of the specified VPN-based extranet.

Another option involves dispensing with digitizing supplier catalog information, and instead making ability to provide a conforming digitized catalog a requirement for authorized supplier status.

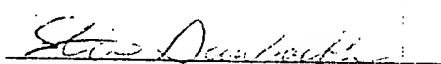
Accordingly, the scope of the Invention should be determined not by the embodiment illustrated by the foregoing Specification, but by the appended claims and their legal equivalents.

The undersigned inventors, Scott A. Heimermann and Stephen Danforth, by their signatures affixed below, assert and declare that the foregoing Specification of Invention completely and aptly describes the Invention, for which grant of Patent is sought through this application, and that all claims for Patent of the Invention are set forth immediately hereinafter.

Dated: August 20, 2001.


Scott A. Heimermann

Dated: August 14, 2001


Stephen Danforth

Attachment 3

Please type a plus sign (+) inside this box → ⊕

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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UTILITY
PATENT APPLICATION
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

First Inventor

Scott A. Heimermann

Title

"Fully automated,,requisition...."

Express Mail Label No.

ET 340 293 583

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages **82**]
(preferred arrangement set forth below)
- Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **6**]
5. Oath or Declaration [Total Pages **1**]
- a. ☒ Newly executed (original or copy)
- b. ☐ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt-Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation☐ Divisional☐ Continuation-in-part (CIP)

of prior application No.:

Prior application information:

Examiner

Group Art Unit:

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS



Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)



Correspondence address below

Name

Scott A. Heimermann, c/o Joan Heimermann

Address

West 3124 Hickory Hills Road

City

Chilton

State

WI

Zip Code

53014-9767

Country

U.S.A.

Telephone

920-849-2006

Fax

Name (Print/Type)

Scott A. Heimermann

Registration No. (Attorney/Agent)

Signature

Scott A. Heimermann

Date

August 20, 2001

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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$)

Complete if Known

Application Number	
Filing Date	
First Named Inventor	Scott A. Heimermann
Examiner Name	
Group Art Unit	
Attorney Docket No.	

METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number

Deposit Account Name

☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	355
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$)

355

2. EXTRA CLAIM FEES

Extra Claims Fee from below Fee Paid

Total Claims -20** = X =

Independent Claims -3** = X =

Multiple Dependent =

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
103 18	203 9	Claims in excess of 20	
102 80	202 40	Independent claims in excess of 3	
104 270	204 135	Multiple dependent claim, if not paid	
109 80	209 40	** Reissue independent claims over original patent	
110 18	210 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	180
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

180

SUBMITTED BY

Name (Print/Type) Scott A. Heimermann

Registration No. (Attorney/Agent)

Complete (if applicable)

Telephone 920-849-2006

Signature

Scott A. Heimermann

Date

August 20, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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In the
Office of Petitions
Commissioner for Patents
United States Patent and Trademark Office
United States Department of Commerce

In re Application of	:	
Scott Heimermann and	:	
Stephen Danforth	:	
Application No. 09/934,411	:	
Filed: August 21, 2001	:	AFFIDAVIT OF
Title: FULLY AUTOMATED,	:	JOINT INVENTOR,
REQUISITION-DRIVEN, COMPETING	:	STEPHEN DANFORTH
AUTHORIZED SUPPLIERS, WEB	:	IN RESPONSE TO
SITE-BASED, REAL TIME,	:	"DECISION REFUSING
REVERSE-AUCTION, CENTRALIZED	:	STATUS UNDER §1.47(A)"
E-PROCUREMENT SYSTEM FOR	:	
GOVERNMENT, WITH BIFURCATED	:	
INTERNAL AND EXTERNAL MODULES,	:	
REQUISITION-POOLING, ORDER	:	
FORMULATION AND MANAGEMENT,	:	
CONSOLIDATED IN-BOUND SHIPMENT AND	:	
DISTRIBUTED J.I.T. DELIVERY,	:	
PROCUREMENT-NEEDS PREDICTION,	:	
CENTRALIZED CATALOG MANAGEMENT AND	:	
NUMEROUS ADDITIONAL FEATURES	:	

State of Minnesota)
) ss.
County of Washington)

STEPHEN DANFORTH, being first duly sworn, on oath deposes and says the following:

1. I, Stephen Danforth, Joint Inventor as to the application for patent herein, file this Affidavit in response to the "Decision Refusing Status Under §1.47(a)" issued by the Office of Petitions, per Petitions Attorney Cliff Congo.

2. The aforesaid Decision is in factual error in the following respects:

A. Joint Inventor Scott A. Heimermann "was presented with the Application papers (specification, claims, drawings, oath or declaration)" at the time of preparation of the patent application herein for filing, both by mailing directly to Scott A. Heimermann by myself, and, upon information and belief, also a second time by personal delivery by Joan Heimermann to Scott A. Heimermann.

B. The Declaration for Utility or Design Patent Application herein was in fact signed by Joint Inventor Scott A. Heimermann.

C. Joan Heimermann is Scott A. Heimermann's mother, not his wife.

D. Joan Heimermann did not sign any part of the patent application documents sent to the Commissioner for Patents, either in her own name, or in the name of Scott A Heimermann, or in my name. The "Petition Of Joint Inventor, Stephen Danforth, To File Application On Behalf Of Joint Inventor, Scott A. Heimermann" does not state to the contrary. Despite the directive by Scott A. Heimermann mentioned on Page 2 of said Petition for such signature by Joan Heimermann by Power of Attorney for Scott A Heimermann, Scott A. Heimermann in fact signed said Declaration of the patent application herein for himself, as reflected in the accompanying "Affidavit of Joint Inventor Scott A. Heimermann in Response to 'Decision Refusing Status Under §1.47(a)'."

E. Because both Scott A Heimermann and I signed the Declaration for Utility or Design Patent Application, the patent application herein did in fact contain "a properly executed oath or declaration", contrary to the assertion in said Decision.

3. I prepared and executed the "Petition Of Joint Inventor, Stephen Danforth, To File Application On Behalf Of Joint Inventor, Scott A. Heimermann" solely as a conditional matter, and directed Joan Heimermann (mother of Joint Inventor Scott A Heimermann) to file that Petition only upon the contingency that the documents of the patent application could not be presented to Scott A. Heimermann for his signature.

4. Not long after the filing of the patent application herein, I received from Joan Heimermann a copy of the patent application as filed, and noticed that the patent application documents were signed by Scott A. Heimermann, whose distinctive signature I recognized. In all, Scott A. Heimermann's signature appears four times in the application materials: (1) on the last page of the "Specification of Invention" section of said application (sequentially, Page 57, albeit not bearing page number); (2) on Page 2 of the Declaration for Utility or Design Patent Application; (3) on the Utility Patent Application Transmittal; and (4) on the Fee transmittal for FY 2001. At that time, Scott A. Heimermann corresponded with me, confirming that he had signed those application documents.

5. The precise facts of the circumstances surrounding the filing of the patent application herein (including the erroneous inclusion of said Petition therein) are as follows:

A. At all material times, I have been, and now remain incarcerated in MCF-Stillwater, a prison of the Minnesota Department of Corrections. At the time of the filing of said patent application, and to date, my Joint Inventor, Scott A. Heimermann, was, and now remains incarcerated in the custody of the Wisconsin Department of Corrections.

B. With cover letter dated August 16, 2001, I sent a complete set of originals of all documents comprising the patent application herein, and also said "Petition of Joint Inventor, Stephen Danforth, To File Application On Behalf Of Joint Inventor, Scott A. Heimermann" (hereinafter, the "Petition") to Joan Heimermann. That cover letter was very explicit, organized, and detailed as to actions to be taken by Joan Heimermann to effectively file the patent application.

C. The reason that I sent said "Petition" along with the patent application documents to Joan Heimermann was because it was unclear to me at that time whether the patent application could be received by Scott A. Heimermann in the prison in which he was then incarcerated.

D. In said cover letter addressed to Joan Heimermann, two alternative versions of said patent application materials were described, depending on whether Scott A. Heimermann was ultimately able to receive, review, and sign the patent application materials.

E. Among the application materials to be sent by Joan Heimermann to the Commissioner for Patents, as enumerated in that cover letter, Items 1, 2, and 6 are relevant to this matter. Item 1 described the self-addressed, stamped, return receipt postcard, to be sent back by the USPTO to verify receipt of the application mailing, and to get the filing number. That postcard was prepared and sent by me to Joan Heimermann in two separate versions, which differed only by omission on one version of this postcard of any mention of the "Petition", and by reference to amount of total fee enclosed, differing by the fee amount for such Petition. Together with the copy of the patent application as filed (as in Paragraph 4, above), I received from Joan Heimermann a copy of the version of this postcard (Item 1) as filed, which in the interim had been returned in due course by the USPTO, bearing application number. A copy of

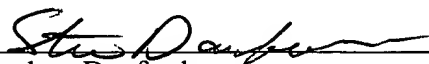
that return receipt postcard as received back is attached hereto as "Exhibit A." That 'as-filed' postcard omits reference to the "Petition" and to any fee therefor.

F. "Item 2" as referenced in that cover letter to Joan Heimermann was the enclosure letter addressed to the Commissioner for Patents. Again, this letter was also sent by me to Joan Heimermann in two differing versions, for the alternative contingencies, respectively, that Scott A. Heimermann could sign the application documents, or that he could not. The first version listed only nine enclosed items (specifically not including the "Petition"), for that first contingency, and again, it referred to a total fee enclosed that excluded any petition fee. The second alternative version mentioned all ten items, including that "Petition", and included the petition fee amount in the total fee stated. This version was solely for use in the alternative contingency of unavailable signature of Scott A. Heimermann. The first version of this enclosure letter to the Commissioner for Patents appears in the copy of the application materials as filed, received back by me from Joan Heimermann. Therefore, I believe that this first version was the sole version of this document filed. A copy of that first version of that enclosure letter is attached hereto as "Exhibit B".

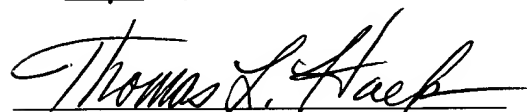
G. "Item 6" as referenced in that cover letter to Joan Heimermann was the "Petition" itself. However, this "Petition" was only inadvertently sent to the Commissioner for Patents, and is mere surplusage, legally speaking. It was obviated by the fact that Joint Inventor Scott A. Heimermann did receive, review, and sign the patent application documents, and turned said signed patent application documents over to Joan Heimermann, who in turn mailed the same to the Commissioner for Patents.

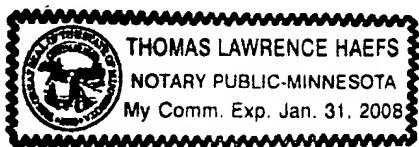
6. Because my Joint Inventor, Scott A. Heimermann, did receive and properly sign the patent application, as filed, I join Scott A. Heimmermann in asking that the patent application

as filed be deemed to be effective, irrespective, and in disregard of the inadvertently filed, and unnecessary "Petition of Joint Inventor, Stephen Danforth, To File Application On Behalf Of Joint Inventor, Scott A. Heimermann"

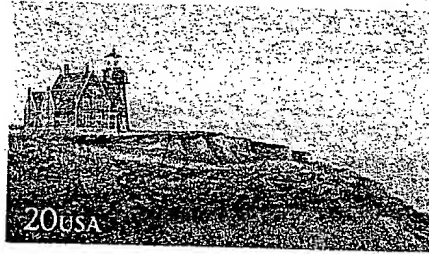

Stephen Danforth
Joint Inventor

Subscribed and sworn to before me
this 14 day of November, 2003.


Notary Public

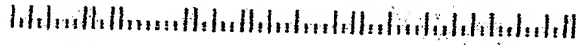


Box Patent Application
Commissioner for Patents
Washington, DC 20231



Scott A. Heimermann, c/o
Ms. Joan Heimermann
West 3124 Hickory Hills Rd.
Chilton, WI 53014-9767

100% recycled



The following received today:
Patent Application for Scott A.
Heimermann and Stephen Danforth for
"Fully automated, requisition....",
consisting of:

- check/money order for \$535.00
- transmittal letter
- Fee Transmittal for FY 2001
- Utility Patent Application Transmittal
- Declaration for Utility or Design
Patent Application
- 6 sheets informal drawing
- sheets of Specification, Claims
and Abstract of invention
- Amendment A
- Information Disclosure by Applicant
- 12 disclosure documents, numbered
DD01 through DD12, inclusive

J1046 U.S. PTO

09/934411



08/21/01

Stephen Danforth
970 Pickett St., N. - 147636
Bayport, MN 55003-1490

August 16, 2001

Commissioner for Patents
Box Patent Application
Washington, DC 20231

RE: Patent Application of Scott A. Heimermann and Stephen Danforth for "Fully automated, requisition-driven,....", claiming benefit of Provisional Patent Application 60/226,818, filed August 22, 2000

Dear Commissioner or Designee:

Please find the following documents enclosed for filing as a patent application:

1. A check/money order in the sum of \$535.00, reflecting payment of the application fee;
2. Fee Transmittal for FY 2001;
3. Utility Patent Application Transmittal;
4. Declaration for Utility or Design Patent Application;
5. Six sheets of informal drawing, labeled Fig. 1 through Fig. 6, inclusive;
6. Specification of Invention, Claims for Patent (including request under MPEP Sec. 707.07(j)), and Abstract, consisting in toto of sheets;
7. Amendment A to this patent application, to assert the benefit of the aforesaid provisional patent application;
8. Information Disclosure by Applicant; and
9. Twelve disclosure documents referenced by said Information Disclosure by Applicant, numbered DD01 through DD12, inclusive.

Please note the following matters additionally:

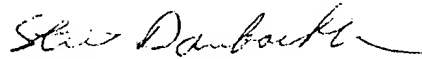
- A. The above-named applicants-joint inventors qualify for, and claim small entity status.
- B. No federally sponsored research or government contract was involved in this invention. However, since the invention creates an innovative, effectively "real-time" e-procurement system for government, and since one citation to prior art refers to JECPO, a procurement method of the United States Department of Defense, and apparently developed in cooperation with NASA, applicants simply point these facts out, and state their willingness to follow any particular procedure that may be invoked thereby.
- C. Although the enclosed Specification and Claims make repeated reference to "digital processing", this invention is a business method, not a software process. Accordingly, no computer program, or listing or algorithm thereof is enclosed.

Commissioner for Patents
Box Patent Application
August 16, 2001

D. A receipt postcard with postage affixed is also enclosed. Please return it by mail to the address thereon upon receipt.

Please file and examine this patent application. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stephen Danforth", followed by a horizontal flourish line.

Stephen Danforth

cc: Scott A. Heimermann